HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ petition No. 399 of 2006 (SS)

Brij Mohan s/o Sri Jag Mohan, Opp. Railway Station, Jwahar Nagar, Haldwani ..... Petitioner

Versus

1. Union of India through Secretary of Railway, New Delhi
2. Railway Divisional Manager (DRM) Personnel Northern Eastern Railway, Izzat Nagar, Bareilly.
3. Section Engineer, Northern Eastern, Railway Lalkuan, District Nainital ..... Respondents

Sri B.S. Khanka, Advocate for the petitioner
A.S.G. for the respondents.

Dated: 24.3.2006

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for a writ of certiorari quashing the order dated 19.7.2005 passed by the respondents.

Briefly stated the father of the petitioner Sri Jag Mohan was posted as Gate-keeper in the respondent department who died in harness on 1.12.2001 leaving behind the petitioner and his younger sister. The mother of the petitioner was also predeceased. According to the petitioner he preferred an application to the respondents for appointment under compassionate ground but the respondents have rejected the same vide order dated 7.6.2004.

The counsel for the petitioner has filed a copy of judgment dated 20.6.2005 passed in writ petition no. 867 of 2004 (SS) Brij Mohan vs. Union of India & others. The counsel for the petitioner has submitted that the facts of the present case are squarely covered by the case of Brij Mohan (supra), in which the following order was passed:

"*The petitioner shall move a fresh representation before the respondents within a period of 15 days and the respondents No. 2 is directed to consider the representation to be moved by the petitioner within a period of one month from the date of production of representation by passing speaking and reasoned order.*"

In view of above, a writ of certiorari is issued quashing the order dated 19.7.2005. Liberty is given to the petitioner to move a fresh representation before the respondents within 15 days after obtaining the certified copy of this order. The respondents are directed to decide the representation within two months thereafter.

Subject to the aforesaid observations, the writ petition is disposed of. No order as to costs.

Dated: 24.3.2006 **Rajesh Tandon, J.**

*Dhyani